

REMARKS

As an initial matter, Applicant acknowledges receipt of the Office communication sent November 26, 2007 in which the Examiner summarized a telephone interview that occurred on November 15, 2007. The Applicant thanks the Examiner for confirming that all certified copies of the priority documents have been received.

The specification has been amended to correct spelling of “realized,” “least,” “visualize,” “program,” “visualization,” and “center.” In addition, grammatical errors and typographical errors have been corrected. No new matter has been added to the specification.

Claims 24, 26 and 44-45 have been canceled without prejudice. Claims 23 and 27-43 have been amended. Specifically, claims 23, 25 and 27-43 have been amended to recite a “watch” as opposed to a “device” or an “electronic device.” Claim 23 has also been amended to include the contents of cancelled claim 24 and to clarify that in the time mode, “at least first and second analogue display members” display the time. Claims 37 and 38 have been amended to be consistent with the amendment to claim 23 which includes “at least first and second analogue display members.” Claims 27 and 28 have been amended to be independent claims and include the contents of the base claim 24, including the clarification made to claim 23 regarding the first and second analogue display members. Claims 25, 29, 37, 38, and 40 have been amended to depend on claim 23 instead of cancelled claim 24. Claim 31 has been amended to include the missing word “member” in “analogue display member.”

Finally, claim 42 has been amended to recite “interval” instead of “period” in order to clarify the intended meaning. As stated in claim 41, the watch is designed to periodically store measured values. In this context, the word “period” in claim 42 is intended to refer to the “time interval” between successive storage operations. In order to clarify the meaning of the claim, the expression “storage period” has been replaced by “storage interval.”

A. The Rejections

Claims 23-31, 33-39 and 41-45 were rejected under 35 U.S.C. §102(e) because the invention is allegedly described in US Patent 7,113,450 to Plancon et al. (hereafter “Plancon”). The Examiner asserts that Plancon discloses the elements these claims.

Claims 32 and 40 were rejected as being unpatentable over Plancon in view of U.S. Patent Publication No. (2004/0047242) of Germinquet et al (hereafter “Germinquet”). The Examiner alleges that Plancon discloses the elements of claim 32 except for “further including means for automatically activating said second operating mode from said time mode in response to immersion of the device in water.” However, the Examiner asserts that Germinquet teaches automatically starting a diving operation upon detection of an immersion of the device in water in paragraph 39. Thus, the Examiner asserts that it would have been obvious to configure Plancon’s device “to automatically activate a second mode in response to immersion of the device in water in order to time enable automatic timing as taught by Germinquet.”

The Examiner alleges that Plancon discloses the elements of claim 40 except for “wherein in said historic mode, said electronic circuits are capable of operating said motor means so that the display of the value of said variable as a function of time is performed over a predefined maximum period of time, so that when actual duration of said acquisition of the value of the physical magnitude is greater than said predefined period of time, the value of said variable as a function of time is displayed in an accelerated manner.” However, the Examiner alleges that Germinquet teaches providing a historic display in an accelerated fashion for safety reasons in paragraph 21. Thus, the Examiner concludes that it would have been obvious to configure Plancon’s device to be capable of accelerated playback of the historic display mode when the duration of the historic data is large to allow a user to quickly review the information and achieve safety considerations as taught by Germinquet.

B. Applicants' Arguments

35 USC §102(b)

Anticipation under 35 U.S.C. § 102 requires showing the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim. Lindemann Maschinenfabrik GMBH v. American Hoist & Derrick, 221 U.S.P.Q. 481, 485 (Fed. Cir. 1984). In this case, the Examiner has failed to establish a prima facie case of anticipation against independent claim 23 because the Plancon fails to teach, or even suggest, each and every element of claim 23. For example, Plancon does not teach or suggest “first and second analogue display members, … arranged above the dial to display current time in a time mode which is a first operating mode” and in a third operating mode, “said first analogue display member indicates, opposite suitable graduations of the watch, the value of a variable the change in which is linked to physical magnitude value.” In contrast, Plancon discloses a wearable electronic device having “display hands” aside from the conventional hour, minute, and seconds hands. Thus, unlike in Plancon, in the present claim 23 the first analogue display member is used to indicate either time or a physical magnitude variable depending on the current operating mode. The present invention uses the same display member that is used to indicate time in a first mode to indicate a physical magnitude variable in another mode. Since claims 25 and 29-43 depend from claim 23, applicant respectfully asserts that these claims are also in condition for allowance.

Likewise, Applicant respectfully asserts that independent claim 27 is not anticipated by Plancon for the same reasons stated above for claim 23 and because Plancon does not teach that “in said historic mode, said processing means are further arranged for generating signals to be sent to said motor means so that at a given instant said second analogue display member indicates elapsed time since the start of acquisition of value of physical magnitude as

a function of time, whereas said first analogue display member indicates value of the variable at said instant.” Unlike the present claim 27, Plancon does not teach using the same analogue display members to indicate time in a first mode and to indicate stored information in another mode, namely, elapsed time and a value of a variable.

Similarly, Applicant respectfully asserts that independent claim 28 is not anticipated by Plancon for the same reasons stated above for claim 23 and because Plancon does not teach that “the device includes additional means for calculating value of a second variable from said measured value of physical magnitude, wherein said processing means is arranged for generating signals to be sent to said motor means so that said second analogue display member indicates at each instant, in said historic mode, the value of the second variable corresponding to the value of the variable displayed by said first analogue display member.” Again, unlike the present claim, Plancon does not teach using the same analogue display member to indicate time in a first mode and the value of a variable in another mode.

With respect to claim 25, the Examiner asserts that Plancon discloses that the analogue display members remain superposed as shown in Figure 9a. However Figure 9a shows the display members merely mounted on the same axis. Applicant respectfully asserts that the word “superposed” in claim 25 is intended to mean not only that the first and second analogue display members are mounted on the same axis, but also that the display members point in the same direction. As described at the top of page 13 of the specification “In order to facilitate reading, minute hand 11 is preferable operated such that it remains superposed on hour hand 10 when watch 30 is in the simple altimeter function.” The advantage of having the display members remain superposed is that by having the display members both point in the same direction, the risk of misreading the displayed data is reduced.

35 USC §103(a)

A prima facie case of obviousness requires showing that the scope and content of the prior art teaches each and every element of the claimed invention, and that the prior art provides some teaching, suggestion or motivation to combine the references to produce the claimed invention. In re Oetiker, 24 U.S.P.Q.2d 1443 (Fed. Cir. 1992); In re Vaeck, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).

In the present case, the Examiner has failed to establish a prima facie case of obviousness against the instant claims 32 and 40 because neither Plancon nor Germinquet teach or suggest each and every element of the claimed invention. For example, the Examiner asserts that Plancon teaches the elements of claims 32 and 40 with the exception of means for automatically activating the second operating mode in response to immersion of the watch in water and displaying the value of a variable as a function of time in an accelerated manner when the duration of the acquisition value is greater than a predefined period of time. However, Applicant asserts that for the reasons discussed above, Plancon does not disclose the elements of claims 32 and 40 even with the exceptions outlined. Again, Applicant asserts that Plancon does not disclose using the same analogue display member to indicate time in a first mode and the value of a variable in another mode. Thus, Applicant asserts that claims 32 and 40 also contain allowable subject matter.

CONCLUSION

For the reasons stated above, Applicant respectfully asserts that claims 23, 25, and 27-43 are in condition for allowance and a prompt notice of allowance is earnestly solicited.

The below-signed attorney for applicant welcomes any questions.

Respectfully submitted,

GRIFFIN & SZIPPL, P.C.



Joerg-Uwe Szippl
Registration No. 31,799

GRIFFIN & SZIPPL, P.C.
Suite PH-1
2300 Ninth Street, South
Arlington, VA 22204

Telephone: (703) 979-5700
Facsimile: (703) 979-7429
Email: gands@szipl.com
Customer No.: 24203